

AUG 03 2005

400 Garden City Plaza - Ste 300
Garden City, New York 11530
(516) 742-4343 - Telephone
(516) 742-4366 - Facsimile
e.mail: intprop@ssmp.com


**SCULLY, SCOTT, MURPHY
& PRESSER****Fax****To:** United States Patent & Trademark Office **From:** Steven Fischman, Esq.**Fax:** 1-571-273-8300**Pages:** 22 (including fax cover sheet)**Phone:****Date:** August 3, 2005**Re:** Jennifer E. Appleyard
IBM Ref: BUR920040032US1
U.S. Patent Appln. No. 10/708,916
Our Docket: 17437**CC:**☐ **Urgent** ☐ **For Review** ☐ **Please Comment** ☐ **Please Reply** ☐ **Please Recycle**

Attached for submission to the U.S. Patent and Trademark Office are the following:


- **Certificate of Transmission by Facsimile (2)**
- **Amendment Transmittal Letter (2)**
- **Amendment and Response Under 37 C.F.R. §1.111**

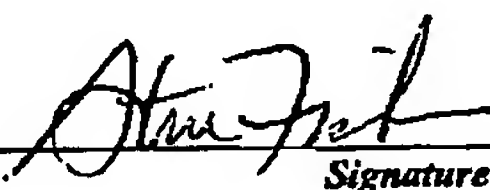
CONFIDENTIALITY: The documents accompanying this facsimile transmission may contain information which is either confidential or legally privileged and is intended only for the authorized use of the individual or entity named above without right or publication or republication, dissemination or disclosure except as expressly set forth or established by course of dealing. All rights are reserved. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of the contents of this facsimile is prohibited. If you received this transmission in error, please notify us immediately by telephone to arrange for return of the documents.

If you have any problems concerning this facsimile, please call (516) 742-4343 and ask for Eileen@ ext. 583.


| | | | | | | |
|--|---|-------------------------------------|---|-------------------------------|---|--|
| AMENDMENT TRANSMITTAL LETTER (Large Entity) | | | | | Docket No. BUR920040032US1 (17437) | |
| Applicant(s): Jennifer E. Appleyard | | | | | | |
| Application No. 10/708,916 | Filing Date March 31, 2004 | Examiner Xiuquin Sun | Customer No. 23389 | Group Art Unit 2863 | Confirmation No. 2915 | |
| Invention: TEMPERATURE COMPENSATION IN MAXIMUM FREQUENCY MEASUREMENT AND SPEED SORT | | | | | | |
| <u>COMMISSIONER FOR PATENTS:</u> | | | | | | |
| Transmitted herewith is an amendment in the above-identified application. The fee has been calculated and is transmitted as shown below. | | | | | | |
| CLAIMS AS AMENDED | | | | | | |
| | CLAIMS REMAINING AFTER AMENDMENT | HIGHEST # PREV. PAID FOR | NUMBER EXTRA CLAIMS PRESENT | RATE | ADDITIONAL FEE | |
| TOTAL CLAIMS | 20 - | 20 = | 0 | x \$50.00 | \$0.00 | |
| INDEP. CLAIMS | 2 - | 3 = | 0 | x \$200.00 | \$0.00 | |
| Multiple Dependent Claims (check if applicable) <input type="checkbox"/> | | | | | \$0.00 | |
| TOTAL ADDITIONAL FEE FOR THIS AMENDMENT | | | | | \$0.00 | |
| <input checked="" type="checkbox"/> No additional fee is required for amendment. <input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____ <input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed. <input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account 09-0456 <input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16. <input checked="" type="checkbox"/> Any patent application processing fees under 37 CFR 1.17. <input type="checkbox"/> Payment by credit card. Form PTO-2038. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. | | | | | | |
|  <i>Signature</i> | | | Dated: August 3, 2005 | | | |
| Steven Fischman Registration No. 34,594 SCULLY, SCOTT, MURPHY & PRESSER 400 Garden City Plaza, Suite 300 Garden City, New York 11530 (516) 742-4343 | | | <div style="border:1px solid black; padding:5px;"><p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____</p><p style="text-align:center;">(Date)</p><p style="text-align:center;">_____ <i>Signature of Person Mailing Correspondence</i></p><p style="text-align:center;">_____ <i>Typed or Printed Name of Person Mailing Correspondence</i></p></div> | | | |
| SF/BMM:ej | | | | | | |
| CC: | | | | | | |

P11LARGE/REV09

| | | | |
|---|--------------------------------------|--------------------------------|--------------------------------|
| CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8) | | | Docket No. |
| Applicant(s): Jennifer E. Appleyard | | | BUR920040032US1 (17437) |
| Application No. 10/708,916 | Filing Date March 31, 2004 | Examiner Xiuquin Sun | Group Art Unit 2863 |
| Invention: TEMPERATURE COMPENSATION IN MAXIMUM FREQUENCY MEASUREMENT AND SPEED SORT | | | |
| <p>I hereby certify that this <u>Amendment and Response Under 37 C.F.R. Sec. 1.111</u> (Identify type of correspondence) is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <u>571-273-8300</u>) on <u>August 3, 2005</u> (Date)</p> <p><u>Steven Fischman, Reg. No. 34,594</u> (Typed or Printed Name of Person Signing Certificate)  (Signature)</p> <p>Note: Each paper must have its own certificate of mailing.</p> | | | |

| | | | | | | |
|--|---|-------------------------------------|---|-------------------------------|---|--|
| AMENDMENT TRANSMITTAL LETTER (Large Entity) | | | | | Docket No. BUR920040032US1 (17437) | |
| Applicant(s): Jennifer E. Appleyard | | | | | | |
| Application No. 10/708,916 | Filing Date March 31, 2004 | Examiner Xiuquin Sun | Customer No. 23389 | Group Art Unit 2863 | Confirmation No. 2915 | |
| Invention: TEMPERATURE COMPENSATION IN MAXIMUM FREQUENCY MEASUREMENT AND SPEED SORT | | | | | | |
| <u>COMMISSIONER FOR PATENTS:</u> | | | | | | |
| Transmitted herewith is an amendment in the above-identified application. The fee has been calculated and is transmitted as shown below. | | | | | | |
| CLAIMS AS AMENDED | | | | | | |
| | CLAIMS REMAINING AFTER AMENDMENT | HIGHEST # PREV. PAID FOR | NUMBER EXTRA CLAIMS PRESENT | RATE | ADDITIONAL FEE | |
| TOTAL CLAIMS | 20 - | 20 = | 0 | x \$50.00 | \$0.00 | |
| INDEP. CLAIMS | 2 - | 3 = | 0 | x \$200.00 | \$0.00 | |
| Multiple Dependent Claims (check if applicable) <input type="checkbox"/> | | | | | \$0.00 | |
| TOTAL ADDITIONAL FEE FOR THIS AMENDMENT | | | | | \$0.00 | |
| <input checked="" type="checkbox"/> No additional fee is required for amendment. <input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____ <input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed. <input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account 09-0456 <input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16. <input checked="" type="checkbox"/> Any patent application processing fees under 37 CFR 1.17. <input type="checkbox"/> Payment by credit card. Form PTO-2038. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. | | | | | | |
|  Signature | | | Dated: August 3, 2005 | | | |
| Steven Fischman Registration No. 34,594 SCULLY, SCOTT, MURPHY & PRESSER 400 Garden City Plaza, Suite 300 Garden City, New York 11530 (516) 742-4343 | | | <div style="border:1px solid black; padding:5px; margin-bottom:5px;">I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____ (Date)</div> <div style="border:1px solid black; padding:5px; margin-bottom:5px;">_____ Signature of Person Mailing Correspondence</div> <div style="border:1px solid black; padding:5px;">_____ Typed or Printed Name of Person Mailing Correspondence</div> | | | |
| SF/BMM:ej | | | | | | |
| CC: | | | | | | |

P11LARGE/REV09

| | | | |
|--|-------------------------------|-------------------------|-------------------------|
| CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8) | | | Docket No. |
| Applicant(s): Jennifer E. Appleyard | | | BUR920040032US1 (17437) |
| Application No. 10/708,916 | Filing Date March 31, 2004 | Examiner Xiuquin Sun | Group Art Unit 2863 |
| Invention: TEMPERATURE COMPENSATION IN MAXIMUM FREQUENCY MEASUREMENT AND SPEED SORT | | | |
| <p>I hereby certify that this <u>Amendment and Response Under 37 C.F.R. Sec. 1.111</u> (Identify type of correspondence)</p> <p>is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <u>571-273-8300</u>)</p> <p>on <u>August 3, 2005</u> (Date)</p> <p style="text-align: right;"><u>Steven Fischman, Reg. No. 34,594</u> (Typed or Printed Name of Person Signing Certificate)</p> <p style="text-align: right;"><u></u> (Signature)</p> <p style="text-align: center;">Note: Each paper must have its own certificate of mailing.</p> | | | |

P18/REV02

RECEIVED
CENTRAL FAX CENTER

AUG 03 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Jennifer E. Appleyard

Examiner: Xiuquin Sun

Serial No.: 10/708,916

Art Unit: 2863

Filed: 3/31/2004

Docket: BUR920040032US1 (17437)

For: TEMPERATURE COMPENSATION
IN MAXIMUM FREQUENCY
MEASUREMENT AND SPEED SORT

Conf. No.: 2915

Dated: August 3, 2005

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT AND RESPONSE UNDER 37 C.F.R. §1.111

Sir:

This document is submitted in response to the Non-Final Office Action mailed May 3, 2005. No new matter has been introduced.

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Dated: August 3, 2005


Steven Fischman

Page 1 of 17

G:\Ibm\1126\17437\Amend\17437.AM1.doc